

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

PETER INGRIS,

Plaintiff,

v.

MALLOUK REALTY CORPORATION, et
al.,

Defendant.

Civil Action No. 14-6946 (MAS) (DEA)


**MEMORANDUM ORDER ON
APPLICATION TO PROCEED
WITHOUT PREPAYMENT OF FEES**

This matter comes before the Court on the application of Plaintiff Peter Ingris to proceed without prepayment of fees under 28 U.S.C. § 1915. (Application, ECF No. 1-2.) The Court will grant the application on the strength of Plaintiff's allegation of indigence but Plaintiff's removal of this action was improper and the Court will *sua sponte* remand this action back to state court.

On November 6, 2014, Plaintiff filed a Notice of Removal seeking to remove a New Jersey state court action, docket number SOM-L-1174-14. Plaintiff asserts that removal is proper based on Defendant Mallouk Realty Corporation's counterclaim and third party complaint asserted against third party defendant Amy Tsai pursuant to 28 U.S.C. §§ 1441, 1443, and 1446. The removal statutes cited by Plaintiff only allow removal by a "defendant." "[R]emoval statutes are to be strictly construed against removal and all doubts should be resolved in favor of remand." *A.S. ex rel. Miller v. SmithKline Beecham Corp.*, 769 F.3d 204, 208 (3d Cir. 2014) (internal quotations omitted). And "plaintiffs cannot remove suits to federal court." *Thomas v. Advance Hous., Inc.*, 475 F. App'x 405, 407 (3d Cir. 2012). Plaintiff offers no justification as to how he is a proper party to remove this action to this Court.

IT IS on this 24th day of November, 2014, **ORDERED** that:

1. Plaintiff's application to proceed *in forma pauperis* is hereby granted pursuant to 28 U.S.C. § 1915;
2. The Clerk of the Court shall file the Notice of Removal without prepayment of fees or security;
3. This action is remanded to the Superior Court of New Jersey ; and
4. The Clerk of the Court shall mark this matter CLOSED.



MICHAEL A. SHIPP
UNITED STATES DISTRICT JUDGE